

Enclosure B

COUNTY RESPONSE COVER PAGE – MUST BE FULLY COMPLETED AND  
SUBMITTED WITH PLAN AND DATA

Fresno County is requesting participation in the Enhanced Anti-Fraud Program  
and will submit a Plan and Data as described above, by November 1, 2009.

Board of Supervisor Approval

Approved on October 6, 2009, by the County Board of Supervisors

Name of Approver: Susan B. Anderson

Signature Susan B. Anderson

Name of County District Attorney Representative: Elizabeth A. Egan

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ATTEST:

BERNICE E. SEIDEL, Clerk  
Board of Supervisors

By Hafusa Kane  
Deputy

**Enclosure B**  
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**CHECKLIST OF REQUIRED COMPONENTS TO BE INCLUDED IN THE PLAN**

**NOTE: Failure to include any of the following required components in the Plan, as outlined in Enclosure C, may result in non-award of funds:**

- ☒ IHSS Overpayments/Underpayments Activities and Data
- ☒ IHSS Fraud Referrals/Outcomes Activities and Data
- ☒ Collaboration and Partnerships with District Attorney's Office (DAO) related to the IHSS Program
- ☒ County Collaboration and Partnerships with California Department of Health Care Services (DHCS) and the California Department of Social Services (CDSS) related to the IHSS Program
- ☒ Mechanism for Tracking/Reporting IHSS Fraud Data and Activities
- ☒ County's Current and Proposed Anti-Fraud Activities related to the IHSS Program
- ☒ County Proposed Budget for Utilization of Funds (use Enclosure A as a guideline) Description of how the County will integrate other Program Integrity Efforts into the Plan
- ☒ Commitment to produce an Annual Outcomes Report (due August 1 of each year)
- ☒ Data Reporting Spreadsheet (Enclosure D - includes data from 2004 to present)

## **BACKGROUND**

As part of the California State Budget Act of 2009, the California Department of Social Services (CDSS) proposed funding for fraud investigations and program integrity efforts related to the In-Home Supportive Services (IHSS) Program. The State's Budget Act of 2009 appropriated \$10 million of State funds for the purpose of fraud prevention, detection, referral, investigation and additional program integrity efforts related to the IHSS program.

Fresno County's proposed Plan includes staff working under the direction of the County of Fresno Department of Employment and Temporary Assistance (E&TA) (fn. 1) and the County of Fresno District Attorney's Office. This Plan allows the IHSS Program to benefit from the knowledge and experience of the District Attorney's IHSS Fraud Team. Moreover, the Plan includes a new component wherein Social Workers will be co-located within the District Attorney's Office so their staff can benefit from the Social Workers' knowledge and experience with the IHSS program.

E&TA, in collaboration with the District Attorney's Office, has a very successful on-going fraud detection, prevention and prosecution program. The program was established during FY 2003/2004. The program is presently staffed with two District Attorney Investigators, one Prosecutor, and one Program Technician. This proposed Plan requests funding to support the existing staff (excluding post prosecution), and the addition of one District Attorney Investigator, one Investigative Assistant and three Social Workers for FY 2009/2010. Staff will improve the services targeting suspected fraud investigations currently backlogged. For the purpose of this Plan, prosecution is defined as follows:

Prosecution for an offense commences when an indictment or information is filed, a complaint is filed charging a misdemeanor or infraction, a case is certified to the Superior Court, or an arrest warrant or bench warrant is issued. (Penal Code Section 804).

## **IHSS OVERPAYMENTS/UNDERPAYMENTS ACTIVITIES AND DATA**

California WIC Section 12305.71(c)(1) requires that County Quality Assurance staff shall receive, resolve, and respond appropriately to claims, data match discrepancies, or other State-level quality assurance and program integrity information that indicates potential overpayments and underpayments of supportive services. E&TA has established, and is currently revising, the Policy and Procedure Guide 35-05-003 for IHSS Overpayment/Underpayment Procedures (PPG 35-05-003) (Exhibit 5). This procedure identifies the documentation necessary to establish the validity of Overpayments/Underpayments and describes the process of tracking and storing the overpayment documentation. Through the process of tracking these documents, E&TA will be able to target staff training needs and provide the data necessary to reduce potential overpayments and underpayments. The current revisions to the PPG 35-05-003 focuses on establishing a method for the transmission of IHSS Overpayment/

Fn.1: Refer to Table I on page 10 for commonly used abbreviations

Underpayment information to E&TA's business office for recovery of the overpayments. If the overpayment is not the result of an administrative error, then a fraud referral is completed and referred to the District Attorney's Office for investigation.

Currently, the California State Controller's Office provides counties with quarterly death match reports that are generated by the Controller through the matching of State and Federal death files against IHSS recipient and provider records. Fresno County staff review and provide the information requested on the IHSS 0120 Death Match Worksheet to resolve the questions on this report. Staff document the results found on the IHSS 0120 Death Match Worksheets for each recipient and on the IHSS 0121 Death Match Worksheet for each provider in question. Staff is also responsible for completing fraud referrals and/or sending out overpayment letters on all overpayments found.

The California Department of Health Care Services (DHCS) is adding additional data matches on specified Medi-Cal provider payment records that can be compared to IHSS provider payment records. The initial data matches will include matching Medi-Cal acute hospital and skilled nursing payments against received IHSS provider payments. The purpose of the match is to ensure that duplicate Medi-Cal payments are not made. Fresno County will develop policies and procedures to review, respond, and resolve the discrepancies so that when potential duplicate payments are identified, E&TA staff can take appropriate follow-up action including overpayment process and fraud referral.

## **IHSS FRAUD REFERRALS / OUTCOMES, ACTIVITIES AND DATA**

E&TA developed its methodology for determining a Fraud Referral Policy and Procedure in partnership with the District Attorney's Office. In 2003, the initial referral policy was drafted. Subsequent to implementation of the policy, it was amended to define allegations and time periods based upon outcome and performance. The current Policy and Procedure Guide 35-05-001 was issued October 9, 2007 (Exhibit 1).

The Policy and Procedure Guide for referrals sets forth a common goal/program integrity statement, defines fraud, and explains the procedure for a fraud referral to the District Attorney's Office. The referral guide delineates the specific referral process within E&TA beginning with Quality Assurance/Quality Improvement locating discrepancies in a case, or finding evidence of suspected fraud. The case Social Worker is responsible for managing the recipient's case while additional information is obtained as part of the fraud investigation.

Uniformity in documenting suspected fraud and program integrity is achieved by using the IHSS 0128 Fraud Referral Form (Exhibit 2). The case Social Worker will gather information from the case folder and the Case Management Information and Payroll System (CMIPS) in order to complete the Fraud Referral Form. The Social Worker Supervisor reviews the referral before it is sent to the District Attorney's Office for investigation. The case Social Worker maintains a copy of the referral in the IHSS case file. The District Attorney Investigator keeps the Social Worker informed of the status of the referral. The District Attorney procedure for investigation and prosecution is also set forth in the Policy and Procedure Guide 35-05-001 (Exhibit 1). Communication among



the District Attorney Investigator, Social Workers, and their supervisors' is paramount for a successful fraud investigation.

Guide 35-05-001 (Exhibit 1) also sets forth detailed procedures for statistical data collection including data collection at the close of the referral. The District Attorney's Office presently maintains a data collection bank for fraud referrals. The information in the data bank will be forwarded to the Department of Health Care Services (DHCS) upon their request for the implementation of their statewide IHSS Fraud Data Bank System.

The District Attorney's Office collects data on all referrals including the number of cases referred, the number of investigations completed, and the number of cases banked (pending assignment). The District Attorney's Office maintains statistics on the number and type of convictions, the amount of restitution ordered by the Court, fines and penalties assessed and collected, the basis for the conviction, and the type of fraud committed. Additionally, data is maintained on charges filed, estimated loss, and total money collected (including civil collections). Data has been collected and maintained since implementation of the program in FY 2003/2004. (Enclosure D).

The Fresno County District Attorney's Office has completed Enclosure D, the Data Reporting Spreadsheet FY 2003/2004 to the present in order to establish a County baseline for outcome comparison (post July 2010). As of August 2009, the Fresno County District Attorney's Office has over 1,288-banked referrals pending investigation assignment.

## **COLLABORATION AND PARTNERSHIP WITH DISTRICT ATTORNEY'S OFFICE RELATED TO THE IHSS PROGRAM**

E&TA has collaborated with the Fresno District Attorney's Office since 2003 in pursuit of fraud prevention, detection, referral, investigation, as well as additional program integrity efforts related to the IHSS program. In the past 6 years, this collaboration has resulted in 2,063 fraud referrals, 775 completed fraud investigations, 360 cases referred for prosecution, 314 completed prosecution cases and \$1,366,928.31 in Court ordered restitution. Estimated losses are \$1,671,834.17.

This partnership has strengthened communication and commitment between E&TA and the District Attorney's Office and achieved a heightened level of program integrity in Fresno County. Fresno County is one of the leaders in the State for IHSS fraud investigation and prosecution as a direct result of the partnership. The lead District Attorney Investigator is now frequently being asked to provide training for other District Attorneys and investigation units statewide. Further, the District Attorney's Office has been requested to provide training for the DHCS Investigator in the Fresno office (Exhibit 4 – Evidence of Statewide Recognition).

The partnership proposed in this Plan will enhance the integrity of the IHSS program by providing cross training for the IHSS staff as well as the District Attorney's staff. The partnership proposed by this Plan will co-locate three Social Workers on site with the

District Attorney Fraud Unit. The Social Workers will be supervised by E&TA. The Social Workers and investigators will work closely together and cross train each other regarding their respective disciplines. The Social Workers will make recommendations and provide information to the Investigators on a regular basis, and will be available to discuss cases. Further, the Social Workers can provide training on client assessment factors, procedures and social work practices.

The Investigators will cross train the Social Workers regarding fraud factors and fraud indicators. The investigators will provide information and training regarding investigation protocols and techniques. Communication between the partners will increase resulting in positive outcomes. The Social Workers will also act as liaisons to E&TA for the District Attorney's Office.

## **COUNTY COLLABORATION AND PARTNERSHIPS WITH CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (DHCS) AND THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES RELATED TO THE IHSS PROGRAM**

DHCS is already collaborating with the District Attorney's Office and intends to house an investigator on site at the Fresno County District Attorney's Office effective January 2010 (Exhibit 9 - Letter of Intent from DHCS). The DHCS Investigator will become a part of the team with the District Attorney's Office and E&TA. The District Attorney Investigator will create a complete training plan for the new DHCS Investigator including field training with the Social Workers and the District Attorney team leader. The District Attorney Investigator will teach the DHCS Investigator how to review fraud referrals and what to look for in an IHSS investigation. The DHCS Investigator will also learn how to develop the IHSS fraud cases for successful prosecution.

Currently, all fraud referrals are tracked by the District Attorney's Office in their database system. The referrals are sent to the District Attorney by E&TA on form IHSS 0128 (Exhibit 2). DHCS refers any reported IHSS fraud cases to the District Attorney using the MC609 form (Exhibit 6). The District Attorney will maintain the MC609 referrals in their database. Additionally, the District Attorney maintains all referrals coming from all other sources in their database including "hotline" referrals.

The District Attorney will assist DHCS in establishing a comprehensive database for fraud referrals once the IHSS DHCS database is established. E&TA and the District Attorney will coordinate with the California Department of Social Services on the development of the database.

## **MECHANISM FOR TRACKING/REPORTING IHSS FRAUD DATA AND ACTIVITIES**

Currently, the District Attorney's Office tracks all fraud referrals in their database system. The referrals are sent over to the District Attorney by E&TA on form IHSS 0128 (Exhibit 2). DHCS refers any reported IHSS fraud cases to the District Attorney using Form MC609 (Exhibit 6). The District Attorney will maintain the MC609 referrals in their

database. Additionally, the District Attorney maintains referrals coming from all other sources in their database including "hotline" referrals.

The District Attorney will assist DHCS in establishing a comprehensive database of fraud referrals once the IHSS DHCS database is established. E&TA and the District Attorney will coordinate with the California Department of Social Services on the development of the database. Fresno County E&TA, in collaboration with the District Attorney, will track fraud referrals and will report the outcome of its efforts to the Department of Social Services as required.

## **COUNTY'S CURRENT AND PROPOSED ANTI-FRAUD ACTIVITIES RELATED TO THE IHSS PROGRAM**

E&TA, in collaboration with the District Attorney, has established a successful on-going fraud detection, prevention and prosecution program. The program is presently staffed with two District Attorney Investigators, one Prosecutor and one Program Technician. This Plan is requesting the addition of one District Attorney Investigator, one Investigative Assistant and three Social Workers for FY 2009/2010.

The District Attorney provides training to the E&TA IHSS Social Workers regarding IHSS fraud and fraud indicators. E&TA staff have become experienced in recognizing fraud as evidenced by an increase of referrals of suspected fraud cases to the District Attorney. The referral form used by E&TA was developed and amended over the course of the program along with the Policy Guide setting forth the fraud referral procedures for E&TA and the District Attorney (Exhibits 1, 2 and 5).

IHSS Providers are required to attend an orientation which includes information about the rules, regulations and requirements of being an IHSS Provider. This serves as a primary prevention effort, so that IHSS Providers are informed initially about the consequences of committing IHSS fraud.

The Quality Assurance/Quality Improvement team gathers information on suspected fraud. The case Social Worker is responsible for managing the recipient's case and gathering information in order to complete the IHSS 0128 form (Exhibit 2). Once the IHSS 0128 form is completed, it is submitted to the Social Work Supervisor for approval. The Supervisor reviews and approves the form, routing the approved form to the District Attorney for investigation. The Social Worker maintains a copy of the fraud referral and all paperwork received regarding the disposition of the investigation and/or court proceeding in the case folder. The information is then scanned into the Miscellaneous Tab of File Net, which is an imaging and document management system. File Net is an optical storage system where paper case record information is scanned into specific sections of a database to reduce/eliminate paper and allow for easy retrieval and on-line viewing.

When the District Attorney receives the IHSS 0128, the case Social Worker is informed regarding the status of the referral. The District Attorney Investigator also advises the Social Worker when an investigation is initiated, when it concludes, and the final disposition of the case. The Lead Investigator records the referral and the name of the



assigned Investigator in their database. The Lead Investigator also notes deadlines for specific events to occur and records results that may need to be compiled into the Department of Social Services reports.

When an investigation begins on a referral, the District Attorney Investigator will meet with the Social Work Supervisor and other necessary staff to discuss the case as well as other relevant information. During the course of the investigation, the Investigator will make copies of information from the IHSS recipient's case file that may be used as evidence keeping in conformity with all laws and guidelines regarding privacy.

When a referral is closed, the District Attorney Investigator will notify the case Social Worker. The Investigator will forward a copy of the IHSS Fraud Case Account Set-Up and Disposition form to the IHSS Program Manager when a referral is substantiated and prosecuted.

As stated previously, the District Attorney Investigator keeps monthly statistics on all referrals including investigation and prosecution outcomes (Enclosure D). E&TA, the District Attorney and DHCS will collaborate as a team pursuing fraud detection and prevention. The DHCS Investigator and the Social Worker will be housed with the District Attorney IHSS Fraud Team and will therefore provide extensive cross training opportunities for all team members.

The IHSS Quality Assurance staff complete desk reviews and field reviews on a randomly selected sample of IHSS cases using the Rushmore Case Review System, Case Management Information and Payroll System (CMIPS) reports, and E&TA's Oracle database. In addition to completing desk and field reviews, Quality Assurance staff conducts targeted reviews to address specific issues in service delivery.

The Quality Assurance process identifies the following areas: issues that require corrective action; major trends in program assessments; staff training needs; and areas in need of policy clarification. The reports will include the number of desk reviews, field reviews, targeted reviews, the results of reviews, the agree/disagree process and corrective actions that have been initiated.

Fresno County uses the Rushmore Case Review System as an evaluation tool. This review system has been used within Fresno County since September 2007. The Rushmore Case Review System provides a means to obtain accurate and quantifiable information that may be used as a basis for immediate feedback on errors, a guide to areas requiring policy and procedure clarification, provides an indication of staff training needs, and provides the data necessary to complete quarterly reports required by the State of California.

The Rushmore Case Review Data also provides a method for IHSS Quality Assurance to obtain accurate and quantifiable information that may be used to obtain immediate feedback on errors, measure program trends and identify areas for staff development and training. The collected data may be used as a guide to clarify areas in policies and procedures that may require further development. Finally, Fresno County uses information obtained from the Rushmore Case Review System to address problems as



they are identified. The Rushmore Case Review System provides feedback to the Social Workers and Social Work Supervisors so identified problems may be corrected on an individual basis. The IHSS Quality Assurance staff maintains a copy of all IHSS Quality Assurance reviews for a minimum period of one year. The Quality Assurance Social Work Supervisor is responsible for completing the SOC 824 QA/QI Quarterly Report (Exhibit 7), which is used by counties to report their Quality Assurance/Quality Improvement activities to the California Department of Social Services. The data on the SOC 824 includes information on desk reviews, home visits, fraud prevention/detection, over/underpayment activities and critical incidents. Targeted review topics and quality improvement efforts are stated on the report. Social Work Supervisors are responsible for identifying and reporting on qualitative or systemic problems that need to be addressed. The SOC 824 reports are shared with E&TA Administration. E&TA's Staff Development Unit addresses the training needs of IHSS staff.

The present fraud detection/prevention procedures will remain in place including the referral system from E&TA, the investigation procedure by DHCS and District Attorney, and prosecution and collection activities related to restitution. The team will work together to provide training, and assist DHCS with their data collection. The team will continue to assist other counties and State agencies as needed in their endeavors to detect and prevent fraud.

## **COUNTY PROPOSED BUDGET FOR UTILIZATION OF FUNDS**

The Plan's proposed Budget detail is included in Exhibit 8 of Enclosure C. The program is presently staffed with two District Attorney Investigators, one Prosecutor and one Program Technician. The following proposed Plan requests funding to support the existing staff, excluding post prosecution, and the addition of 1 District Attorney Investigator, 1 Investigative Assistant and 3 Social Workers for FY 2009/2010. Increased staff will improve the services targeting additional investigations of suspected fraud that are currently backlogged.

Staffing and support services costs for this Plan will be provided through the Department of Employment & Temporary Assistance (E&TA) and the District Attorney's Office. As E&TA's expenditures are claimed via the County Expense Claim (CEC), Social Worker support costs for the proposed Plan are shown as fully loaded Full Time Equivalent (FTE) costs. The three Social Worker FTE's will time study their hours to this program to draw down the applicable caseworker and allocable costs based on the mandated cost allocation methodology. Allocable costs include salaries and benefits of generic clerical and administrative support staff, operating expenses (rents, lease, supplies, vehicles, etc), EDP (computers and connectivity) costs, and staff development costs. District Attorney expenditures for the proposed Plan will be billed to E&TA as contracted services and claimed to the CEC as direct services costs. The two departments will execute a Memorandum of Understanding to outline each department's responsibilities.

## **DESCRIPTION OF HOW THE COUNTY WILL INTEGRATE OTHER PROGRAM INTEGRITY EFFORTS INTO THE PLAN**

The most critical component of future program integrity efforts is the cross training of the different disciplines. Cross training will provide quality investigations and improved integrity efforts as the various components of the IHSS processes are understood by all team members. As a result, communication and understanding will improve. For example, the Social Workers can train the investigators in detail regarding the needs assessment standards and mechanics of the assessment process. The District Attorney Investigator will train the Social Workers and DHCS Investigator to identify fraud indicators. The DHCS Investigator can train the Social Workers and the District Attorney Investigators to identify Medi-Cal fraud indicators. Finally, the Prosecutor can train team members to understand the legal elements of fraud, court procedure, and building cases to ensure successful prosecution.

The Investigative Assistant will provide staff assistance to the three District Attorney Investigators and the DHCS Investigator. The Investigative Assistant will also assist the Attorney by preparing documents necessary to institute prosecution.

The team will also determine guidelines for possible error rate studies. The team will collaborate with the California Welfare Directors, the California Welfare Fraud Investigators Association and the California District Attorneys' Association in an effort to establish statewide program integrity uniformity.

## **COMMITMENT TO PRODUCE AN ANNUAL OUTCOMES REPORT (DUE 8/1 ANNUALLY)**

The team will provide an annual Outcomes Report by August 1<sup>st</sup> of each year, identifying required data elements including activities, data and outcomes associated with the County efforts to mitigate, prevent, detect, investigate and prosecute IHSS fraud during the previous fiscal year.

## **DATA REPORTING SPREADSHEET**

The team has provided the required reporting spreadsheet (Enclosure D) that includes data from 2004 to present.

## **BOARD OF SUPERVISOR APPROVAL**

The Fresno County Board of Supervisor Approval of this Plan is Enclosure B and was approved on October 6, 2009.

## **CONTACT INFORMATION**

If additional information is needed, or there are any questions regarding this IHSS Fraud Plan, please contact the following staff:

### **COUNTY DISTRICT ATTORNEY REPRESENTATIVE**

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### **COUNTY WELFARE DEPARTMENT REPRESENTATIVES**

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## **FRAUD FORMS / EXHIBITS**

- Exhibit 1: Policy and Procedure Guide 35-05-001 IHSS Fraud Referral Process
- Exhibit 2: IHSS 0128 Fraud Referral Form
- Exhibit 3: IHSS Fraud Monthly Report
- Exhibit 4: Evidence of Statewide Recognition
- Exhibit 5: Policy and Procedure Guide 05-35-003 Overpayment/Underpayment Procedures
- Exhibit 6: MC609 Form
- Exhibit 7: SOC 824 QA/QI Quarterly Report
- Exhibit 8: Proposed Budget Detail
- Exhibit 9: Letter of Intent from DHCS

**TABLE I**

**Commonly Used Abbreviations**

|                 |   |
|-----------------|---|
| <b>IHSS</b>     | <b>In-Home Supportive Services</b>                      |
| <b>CDSS</b>     | <b>California Department of Social Services</b>         |
| <b>E&amp;TA</b> | <b>Employment and Temporary Assistance</b>              |
| <b>PPG</b>      | <b>Policy and Procedure Guide</b>                       |
| <b>DHCS</b>     | <b>Department of Health Care Services</b>               |
| <b>CMIPS</b>    | <b>Case Management Information &amp; Payroll System</b> |



# **Exhibit 1**

## **Policy and Procedure Guide 35-05-001 IHSS Fraud Referral Process**

## E&TA Policy and Procedure Guide

Division 35: In-Home Supportive Services

Chapter 05: Fraud

### Item 001: Fraud Referral Process

Suggested changes send to: ETA PSOA Mailbox

Issued: **October 9, 2007**

References: WIC 12305.8/ WIC 12308.82

Replaces Issue: July 13, 2006

In accordance with WIC§12305.82, Fresno County staff shall work together as appropriate to coordinate activities to detect and prevent fraud by supportive services Providers and Recipients. In-Home Supportive Services (IHSS) program reports suspected fraud claims to the IHSS Special Investigation Unit (SIU). IHSS SIU will take appropriate actions to investigate suspected claims and refer suspected criminal offenses for prosecution.

#### **IHSS Procedure**

Fraud is defined as: the intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to him or herself or another person. Fraud includes any/all acts that constitute fraud under applicable federal or state law (WIC§12305.8).

Suspicion of Fraud information can come from various sources, such as a phone call by someone who reports a possible fraud, the 300+ State Monthly Report or a Public Complaint from the DA's office. All information that raises reasonable suspicion needs to be reported to the Fraud division. Quality Assurance/Quality Improvement (QA/QI) will submit Fraud Referrals when they witness or hear of fraud *first hand*.

During case reviews, should QA/QI find discrepancies in the case or find evidence of suspected fraud that appears not to have been followed through on, QA/QI will make a note of this in the case review. Suspicion of fraud and the subsequent information will be requested for follow up, to the SW responsible for managing the recipient's case.

Fraud referrals are documented on IHSS 0128 form. SW will gather available information from narratives and declarations contained in the case folder and from the Case Management Information and Pay rolling System (CMIPS) in order to complete the form. The completed IHSS 0128 is submitted to the Social Work Supervisor (SWS) for review and signature and is then routed directly to SIU at Stop #39

The SW will maintain a copy of the fraud referral and all paperwork received regarding the disposition of the investigation and/or court proceedings in the case folder under the Misc Tab. FileNet it is scanned into the MISC section.

SW will receive notice that an investigation has been initiated on a referral and communication will be necessary with the District Attorney Investigator (DAI).

#### **SIU Procedure**

SIU Program Technician will record the referral received and the SIU DAI has the responsibility to investigate the alleged fraud claims.

When a DAI begins an investigation on a referral, they will call the SWS to set up an appointment to meet with the SW to discuss the case and any information they may have regarding the Fraud referral. All discussion regarding appropriate actions will occur between the SW, SWS and DAI.

Communication and documentation is especially important in situations that might require a negative action on a case. In a Fair Hearing, the Administrative Law Judges (ALJs) are mandated to inform a recipient of the ongoing fraud investigation in their case.

In the course of the investigation, the DAI will make copies of information from the SW's case file that may be used as evidence.

When a referral is closed; not applicable, unsubstantiated or timed out, the DAI will email SW and SWS. When a referral is substantiated and prosecuted, the DAI will forward a copy of the IHSS Fraud Case Account Set-Up and Disposition form to the IHSS PM Secretary.

### **Requesting Cases**

The DA will email ETA IHSS Case Folder Request Mailbox to request the case. Within two (2) working days the IHSS OA staff will retrieve the case from the SW's case bank, placing an Out Card to reflect who requested the case or request the case from the storage area and deliver the case to IHSS SIU office. The SOA will log out the case in case move to BZHZ (for DA).

When the case has been reviewed, the DAI will email the ETA IHSS Case Folder Request Mailbox and state that the file is ready for "pick up". OA staff will pick up active case from DAI office and return active case to SOA at IHSS. SOA will log in case to case move and assign to the SW.

# **Exhibit 2**

**IHSS 0128 Fraud Referral Form**





**Fresno County Department of Employment & Temporary Assistance  
In-Home Supportive Services  
Referral for Action on Suspected Fraud**

Date:

Aid Type: Select

**Allegation(s):**

- |   |   |
|---|---|
| <input type="checkbox"/> Provider not working the hours     | <input type="checkbox"/> Unreported changes in household          |
| <input type="checkbox"/> Recipient or Provider incarcerated | <input type="checkbox"/> Recipient demanding provider share check |
| <input type="checkbox"/> Recipient in hospital/nursing home | <input type="checkbox"/> Overstated needs                         |
| <input type="checkbox"/> Recipient deceased                 | <input type="checkbox"/> Misrepresented income                    |
| <input type="checkbox"/> Other (specify):                   |   |

Case Number (10 digit):

Funding Source: ☐ PCSP

☐ IPW

☐ Residual

**Recipient  
Information**

Name:

SSN:

Address:

DOB:

City, Zip:

Gender: Select

Phone: (559)

**Provider  
Information**

Name:

SSN:

Address:

DOB:

☐ Same as Recipient

Gender: Select

City, Zip:

Phone: (559)

COMPLETE ADDITIONAL REFERRAL FORMS IF RECIPIENT HAS MULTIPLE PROVIDERS INVOLVED IN SUSPECTED FRAUD

**GROUND FOR SUSPECTED FRAUD:**

In the present case there are reasonable grounds to suspect that, on the basis of the false statements on the documents listed in the Statement of Reason, or made verbally to the Social Worker and recorded in the case record, recipient/provider attempted to receive or did receive aid and/or payment of IHSS benefits fraudulently for the periods of time, for the specified sums and involving the items noted below.

Suspected Fraud Committed By:

☐ Recipient

☐ Provider

☐ Both

Statement of Reason of Suspected Fraud (include known dates and possible monetary amounts) :

Social Worker Signature:

Worker No.:

Date:

Phone:

Supervisor Approval:

Date:

Phone:

# **Exhibit 3**

## **IHSS Fraud Monthly Report**



FRESNO COUNTY  
OFFICE OF THE DISTRICT ATTORNEY  
Elizabeth A. Egan  
District Attorney  
In-Home Supportive Services Fraud Division

## IHSS FRAUD MONTHLY REPORT

| Month/<br>Year | Referrals for<br>Investigation | Investigations<br>Completed | Cases Referred<br>for Prosecution | Criminal<br>Charges Filed | Criminal<br>Charges Not<br>Filed | Estimated Loss       | Prosecution<br>Completed | Convictions | Court Ordered<br>Restitution | Civil<br>Collections<br>Collected | Fines              | Total Money<br>Collected |
|----------------|--------------------------------|-----------------------------|-----------------------------------|---------------------------|----------------------------------|----------------------|--------------------------|-------------|------------------------------|-----------------------------------|--------------------|--------------------------|
| Jul-03         | 10                             | 9                           | 9                                 | 9                         | 0                                | \$ 84,338.41         | 0                        | 0           | \$ -                         | \$ -                              | \$ -               | \$ 275.00                |
| Aug-03         | 0                              | 0                           | 0                                 | 0                         | 0                                | \$ -                 | 1                        | 1           | \$ 1,800.00                  | \$ -                              | \$ -               | \$ 260.00                |
| Sep-03         | 17                             | 0                           | 0                                 | 0                         | 0                                | \$ -                 | 0                        | 0           | \$ -                         | \$ -                              | \$ -               | \$ 200.00                |
| Oct-03         | 18                             | 12                          | 9                                 | 9                         | 0                                | \$ 31,623.52         | 2                        | 1           | \$ 900.00                    | \$ -                              | \$ 100.00          | \$ -                     |
| Nov-03         | 7                              | 3                           | 1                                 | 0                         | 0                                | \$ 1,501.20          | 2                        | 2           | \$ 12,167.41                 | \$ -                              | \$ 200.00          | \$ 200.00                |
| Dec-03         | 17                             | 3                           | 3                                 | 0                         | 0                                | \$ 62,075.84         | 0                        | 0           | \$ -                         | \$ -                              | \$ -               | \$ 200.00                |
| Jan-04         | 16                             | 2                           | 2                                 | 5                         | 1                                | \$ 1,211.93          | 3                        | 2           | \$ 6,709.31                  | \$ -                              | \$ 200.00          | \$ 250.00                |
| Feb-04         | 21                             | 8                           | 8                                 | 3                         | 0                                | \$ 18,166.16         | 0                        | 0           | \$ -                         | \$ -                              | \$ -               | \$ 250.00                |
| Mar-04         | 18                             | 12                          | 6                                 | 8                         | 0                                | \$ 4,611.66          | 3                        | 3           | \$ 3,519.43                  | \$ -                              | \$ 300.00          | \$ 2,614.28              |
| Apr-04         | 24                             | 10                          | 9                                 | 6                         | 0                                | \$ 45,211.26         | 0                        | 0           | \$ -                         | \$ -                              | \$ -               | \$ 7,693.00              |
| May-04         | 12                             | 10                          | 6                                 | 6                         | 0                                | \$ 13,270.57         | 11                       | 11          | \$ 134,860.70                | \$ -                              | \$ 720.00          | \$ 7,669.00              |
| Jun-04         | 1                              | 4                           | 3                                 | 6                         | 0                                | \$ 20,025.04         | 5                        | 5           | \$ 7,475.75                  | \$ -                              | \$ 520.00          | \$ 4,158.60              |
| <b>Total</b>   | <b>161</b>                     | <b>73</b>                   | <b>56</b>                         | <b>52</b>                 | <b>1</b>                         | <b>\$ 282,035.59</b> | <b>27</b>                | <b>25</b>   | <b>\$ 167,432.60</b>         | <b>\$ -</b>                       | <b>\$ 2,040.00</b> | <b>\$ 23,759.88</b>      |



FRESNO COUNTY  
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## IHSS FRAUD MONTHLY REPORT

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|----------------|--------------------------------|-----------------------------|-----------------------------------|---------------------------|----------------------------------|----------------------|--------------------------|-------------|------------------------------|-----------------------------------|--------------------|--------------------------|
| Jul-04         | 21                             | 11                          | 9                                 | 2                         | 0                                | \$ 196,589.71        | 1                        | 1           | \$ 2,919.89                  | \$ 741.83                         | \$ -               | \$ 3,778.00              |
| Aug-04         | 21                             | 15                          | 7                                 | 12                        | 1                                | \$ 33,583.33         | 10                       | 9           | \$ 148,322.08                | \$ 172.50                         | \$ 640.00          | \$ 100.00                |
| Sep-04         | 16                             | 3                           | 1                                 | 2                         | 0                                | \$ 2,073.00          | 5                        | 5           | \$ 31,029.77                 | \$ -                              | \$ 500.00          | \$ 1,395.00              |
| Oct-04         | 15                             | 2                           | 1                                 | 4                         | 0                                | \$ 1,505.50          | 1                        | 1           | \$ 4,083.99                  | \$ 217.00                         | \$ 200.00          | \$ 685.00                |
| Nov-04         | 52                             | 18                          | 11                                | 6                         | 0                                | \$ 46,062.21         | 3                        | 3           | \$ 1,490.00                  | \$ -                              | \$ 100.00          | \$ 1,587.00              |
| Dec-04         | 8                              | 5                           | 5                                 | 0                         | 0                                | \$ 34,499.95         | 4                        | 4           | \$ 19,075.56                 | \$ -                              | \$ 1,000.00        | \$ 4,719.00              |
| Jan-05         | 5                              | 14                          | 10                                | 15                        | 0                                | \$ 74,776.35         | 1                        | 1           | \$ 19,168.10                 | \$ -                              | \$ 200.00          | \$ 25,930.00             |
| Feb-05         | 17                             | 9                           | 5                                 | 1                         | 0                                | \$ 26,260.86         | 2                        | 2           | \$ 25,490.75                 | \$ -                              | \$ -               | \$ 8,962.00              |
| Mar-05         | 85                             | 17                          | 9                                 | 12                        | 0                                | \$ 15,904.56         | 6                        | 5           | \$ 13,202.87                 | \$ -                              | \$ 1,300.00        | \$ 8,636.00              |
| Apr-05         | 0                              | 17                          | 16                                | 8                         | 0                                | \$ 21,971.49         | 4                        | 3           | \$ 12,762.48                 | \$ -                              | \$ 400.00          | \$ 4,693.00              |
| May-05         | 51                             | 16                          | 11                                | 8                         | 0                                | \$ 22,561.17         | 2                        | 2           | \$ 14,381.60                 | \$ -                              | \$ 800.00          | \$ 9,603.00              |
| Jun-05         | 6                              | 8                           | 5                                 | 8                         | 0                                | \$ 8,187.69          | 14                       | 13          | \$ 75,831.28                 | \$ -                              | \$ 200.00          | \$ 2,215.00              |
| <b>Total</b>   | <b>297</b>                     | <b>135</b>                  | <b>90</b>                         | <b>78</b>                 | <b>1</b>                         | <b>\$ 483,975.82</b> | <b>53</b>                | <b>49</b>   | <b>\$ 367,748.37</b>         | <b>\$ 1,131.33</b>                | <b>\$ 5,340.00</b> | <b>\$ 72,303.00</b>      |





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|----------------|--------------------------------|-----------------------------|-----------------------------------|---------------------------|----------------------------------|----------------------|--------------------------|-------------|------------------------------|-----------------------------------|--------------------|--------------------------|
| Jul-05         | 39                             | 9                           | 4                                 | 4                         | 0                                | \$ 22,126.34         | 6                        | 4           | \$ 28,751.50                 | \$ 1,538.40                       | \$ 1,320.00        | \$ 7,936.00              |
| Aug-05         | 67                             | 20                          | 14                                | 8                         | 0                                | \$ 32,876.37         | 7                        | 6           | \$ 13,241.72                 | \$ 325.35                         | \$ 900.00          | \$ 2,327.00              |
| Sep-05         | 35                             | 4                           | 3                                 | 12                        | 0                                | \$ 5,033.71          | 6                        | 6           | \$ 8,047.83                  | \$ -                              | \$ 400.00          | \$ 4,970.00              |
| Oct-05         | 16                             | 10                          | 7                                 | 5                         | 0                                | \$ 25,795.76         | 5                        | 5           | \$ 2,972.38                  | \$ 723.28                         | \$ 100.00          | \$ 3,034.00              |
| Nov-05         | 12                             | 6                           | 2                                 | 3                         | 0                                | \$ 10,511.41         | 6                        | 6           | \$ 7,254.37                  | \$ -                              | \$ 400.00          | \$ 2,100.00              |
| Dec-05         | 41                             | 14                          | 7                                 | 2                         | 0                                | \$ 29,239.08         | 7                        | 6           | \$ 30,987.71                 | \$ -                              | \$ 600.00          | \$ 15,304.99             |
| Jan-06         | 4                              | 8                           | 6                                 | 0                         | 0                                | \$ 28,748.67         | 6                        | 5           | \$ 6,639.75                  | \$ -                              | \$ 800.00          | \$ 3,461.50              |
| Feb-06         | 15                             | 4                           | 4                                 | 3                         | 0                                | \$ 5,892.94          | 4                        | 4           | \$ 2,707.22                  | \$ -                              | \$ 300.00          | \$ 3,708.00              |
| Mar-06         | 4                              | 8                           | 7                                 | 4                         | 0                                | \$ 26,714.79         | 4                        | 4           | \$ 12,896.12                 | \$ -                              | \$ 400.00          | \$ 5,290.55              |
| Apr-06         | 13                             | 1                           | 1                                 | 7                         | 0                                | \$ 470.00            | 2                        | 2           | \$ 3,246.83                  | \$ -                              | \$ 300.00          | \$ 6,370.13              |
| May-06         | 9                              | 5                           | 3                                 | 0                         | 0                                | \$ 6,370.91          | 4                        | 4           | \$ 16,720.29                 | \$ 2,758.78                       | \$ -               | \$ 1,872.00              |
| Jun-06         | 15                             | 5                           | 3                                 | 2                         | 8                                | \$ 7,781.47          | 11                       | 1           | \$ 1,148.50                  | \$ 342.71                         | \$ 100.00          | \$ 1,900.00              |
| <b>Total</b>   | <b>270</b>                     | <b>94</b>                   | <b>61</b>                         | <b>50</b>                 | <b>8</b>                         | <b>\$ 201,561.45</b> | <b>68</b>                | <b>53</b>   | <b>\$ 134,614.22</b>         | <b>\$ 5,588.52</b>                | <b>\$ 5,620.00</b> | <b>\$ 58,274.17</b>      |



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|----------------|--------------------------------|-----------------------------|-----------------------------------|---------------------------|----------------------------------|----------------------|--------------------------|-------------|------------------------------|-----------------------------------|--------------------|--------------------------|
| Jul-06         | 46                             | 3                           | 2                                 | 7                         | 1                                | \$ 31,056.05         | 4                        | 3           | \$ 3,079.04                  | \$ -                              | \$ 100.00          | \$ 7,068.00              |
| Aug-06         | 18                             | 2                           | 2                                 | 6                         | 0                                | \$ 5,189.61          | 4                        | 2           | \$ 2,725.53                  | \$ -                              | \$ 400.00          | \$ 2,555.00              |
| Sep-06         | 13                             | 7                           | 6                                 | 9                         | 0                                | \$ 119,070.12        | 4                        | 4           | \$ 11,918.14                 | \$ -                              | \$ 400.00          | \$ 2,775.00              |
| Oct-06         | 16                             | 2                           | 1                                 | 1                         | 0                                | \$ 553.27            | 5                        | 5           | \$ 61,502.12                 | \$ -                              | \$ 870.00          | \$ 9,438.00              |
| Nov-06         | 16                             | 12                          | 5                                 | 8                         | 0                                | \$ 5,147.53          | 6                        | 6           | \$ 32,622.03                 | \$ 149.15                         | \$ -               | \$ 3,286.96              |
| Dec-06         | 19                             | 6                           | 3                                 | 4                         | 0                                | \$ 3,833.08          | 3                        | 3           | \$ 6,616.86                  | \$ -                              | \$ 1,200.00        | \$ 1,170.00              |
| Jan-07         | 57                             | 9                           | 8                                 | 7                         | 0                                | \$ 12,322.04         | 9                        | 9           | \$ 60,021.64                 | \$ -                              | \$ 600.00          | \$ 2,815.00              |
| Feb-07         | 32                             | 16                          | 11                                | 7                         | 1                                | \$ 29,572.27         | 9                        | 7           | \$ 27,098.29                 | \$ -                              | \$ 300.00          | \$ 5,633.58              |
| Mar-07         | 17                             | 9                           | 7                                 | 8                         | 0                                | \$ 14,622.06         | 1                        | 1           | \$ 199.68                    | \$ -                              | \$ 100.00          | \$ 2,606.82              |
| Apr-07         | 49                             | 7                           | 6                                 | 2                         | 0                                | \$ 6,601.28          | 6                        | 6           | \$ 23,534.92                 | \$ -                              | \$ 500.00          | \$ 22,404.00             |
| May-07         | 30                             | 6                           | 5                                 | 7                         | 2                                | \$ 34,724.88         | 9                        | 5           | \$ 7,828.14                  | \$ -                              | \$ 500.00          | \$ 6,908.75              |
| Jun-07         | 34                             | 8                           | 5                                 | 5                         | 0                                | \$ 56,118.68         | 3                        | 3           | \$ 9,874.85                  | \$ -                              | \$ 1,400.00        | \$ 5,215.08              |
| <b>Total</b>   | <b>347</b>                     | <b>87</b>                   | <b>61</b>                         | <b>71</b>                 | <b>4</b>                         | <b>\$ 318,810.87</b> | <b>63</b>                | <b>54</b>   | <b>\$ 247,021.24</b>         | <b>\$ 149.15</b>                  | <b>\$ 6,370.00</b> | <b>\$ 71,876.19</b>      |



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|----------------|--------------------------------|-----------------------------|-----------------------------------|---------------------------|----------------------------------|----------------------|--------------------------|-------------|------------------------------|-----------------------------------|---------------------|--------------------------|
| Jul-07         | 40                             | 7                           | 4                                 | 0                         | 0                                | \$ 18,454.26         | 0                        | 0           | \$ -                         | \$ -                              | \$ 500.00           | \$ 9,993.66              |
| Aug-07         | 34                             | 7                           | 3                                 | 6                         | 0                                | \$ 42,816.67         | 2                        | 2           | \$ 2,528.41                  | \$ -                              | \$ 200.00           | \$ 2,458.43              |
| Sep-07         | 25                             | 21                          | 11                                | 2                         | 0                                | \$ 51,328.34         | 5                        | 5           | \$ 17,851.15                 | \$ 536.40                         | \$ 800.00           | \$ 7,130.61              |
| Oct-07         | 74                             | 82                          | 7                                 | 17                        | 0                                | \$ 18,718.04         | 8                        | 8           | \$ 77,310.62                 | \$ 1,966.75                       | \$ 2,400.00         | \$ 8,641.04              |
| Nov-07         | 29                             | 7                           | 3                                 | 3                         | 0                                | \$ 8,832.37          | 2                        | 2           | \$ 4,699.77                  | \$ -                              | \$ 300.00           | \$ 10,098.17             |
| Dec-07         | 21                             | 19                          | 5                                 | 4                         | 0                                | \$ 20,347.17         | 2                        | 2           | \$ 11,245.23                 | \$ -                              | \$ 1,300.00         | \$ 6,488.34              |
| Jan-08         | 28                             | 5                           | 4                                 | 4                         | 0                                | \$ 14,661.20         | 5                        | 3           | \$ 3,593.44                  | \$ -                              | \$ 500.00           | \$ 2,078.94              |
| Feb-08         | 26                             | 8                           | 5                                 | 4                         | 2                                | \$ 10,107.89         | 6                        | 4           | \$ 32,840.28                 | \$ -                              | \$ 600.00           | \$ 15,179.03             |
| Mar-08         | 36                             | 3                           | 0                                 | 0                         | 0                                | \$ 4,564.07          | 13                       | 11          | \$ 76,571.15                 | \$ 4,564.07                       | \$ 700.00           | \$ 7,431.35              |
| Apr-08         | 31                             | 3                           | 3                                 | 2                         | 0                                | \$ 5,439.06          | 4                        | 4           | \$ 15,455.02                 | \$ -                              | \$ 400.00           | \$ 7,614.17              |
| May-08         | 28                             | 4                           | 3                                 | 2                         | 0                                | \$ 11,002.65         | 8                        | 6           | \$ 9,636.47                  | \$ -                              | \$ 1,810.00         | \$ 5,295.71              |
| Jun-08         | 58                             | 6                           | 3                                 | 4                         | 0                                | \$ 12,426.66         | 3                        | 3           | \$ 9,405.65                  | \$ -                              | \$ 1,140.00         | \$ 10,628.13             |
| <b>Total</b>   | <b>430</b>                     | <b>172</b>                  | <b>51</b>                         | <b>48</b>                 | <b>2</b>                         | <b>\$ 218,698.38</b> | <b>58</b>                | <b>50</b>   | <b>\$ 261,137.19</b>         | <b>\$ 7,067.22</b>                | <b>\$ 10,650.00</b> | <b>\$ 93,037.58</b>      |



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|----------------|--------------------------------|-----------------------------|-----------------------------------|---------------------------|----------------------------------|----------------------|--------------------------|-------------|------------------------------|-----------------------------------|--------------------|--------------------------|
| Jul-08         | 48                             | 11                          | 4                                 | 2                         | 0                                | \$ 44,503.77         | 4                        | 3           | \$ 10,622.93                 | \$ 289.50                         | \$ 100.00          | \$ 6,167.56              |
| Aug-08         | 23                             | 23                          | 1                                 | 1                         | 0                                | \$ 2,335.94          | 2                        | 2           | \$ 3,462.05                  | -                                 | \$ 470.00          | \$ 7,644.72              |
| Sep-08         | 16                             | 8                           | 8                                 | 5                         | 0                                | \$ 20,386.55         | 5                        | 0           | \$ 1,462.59                  | -                                 | -                  | \$ 3,332.89              |
| Oct-08         | 71                             | 4                           | 2                                 | 3                         | 0                                | \$ 3,886.39          | 4                        | 3           | \$ 5,439.78                  | -                                 | \$ 300.00          | \$ 2,091.12              |
| Nov-08         | 14                             | 1                           | 1                                 | 0                         | 0                                | \$ 3,560.37          | 5                        | 3           | \$ 101,291.92                | -                                 | \$ 800.00          | \$ 3,405.01              |
| Dec-08         | 33                             | 13                          | 4                                 | 0                         | 0                                | \$ 39,802.04         | 2                        | 1           | \$ 7,980.57                  | -                                 | -                  | \$ 3,019.16              |
| Jan-09         | 14                             | 58                          | 1                                 | 2                         | 0                                | \$ -                 | 6                        | 3           | \$ 18,635.58                 | -                                 | \$ 200.00          | \$ 3,378.29              |
| Feb-09         | 58                             | 10                          | 3                                 | 9                         | 0                                | \$ 1,767.89          | 3                        | 2           | \$ 2,861.61                  | -                                 | -                  | \$ 4,070.49              |
| Mar-09         | 52                             | 19                          | 2                                 | 0                         | 0                                | \$ 8,726.55          | 1                        | 1           | \$ 4,668.86                  | \$ 1,662.35                       | \$ 100.00          | \$ 2,195.00              |
| Apr-09         | 47                             | 4                           | 1                                 | 0                         | 0                                | \$ 1,123.73          | 2                        | 2           | \$ 1,658.75                  | \$ 129.48                         | \$ 300.00          | \$ 1,659.24              |
| May-09         | 31                             | 21                          | 4                                 | 4                         | 0                                | \$ 10,776.86         | 5                        | 4           | \$ 16,994.15                 | -                                 | \$ 200.00          | \$ 7,301.73              |
| Jun-09         | 60                             | 23                          | 3                                 | 4                         | 2                                | \$ 6,117.80          | 2                        | 2           | \$ 3,165.63                  | \$ 2,492.97                       | \$ 100.00          | \$ 2,950.85              |
| <b>Total</b>   | <b>467</b>                     | <b>195</b>                  | <b>34</b>                         | <b>30</b>                 | <b>2</b>                         | <b>\$ 142,987.89</b> | <b>41</b>                | <b>26</b>   | <b>\$ 178,244.42</b>         | <b>\$ 4,574.30</b>                | <b>\$ 2,570.00</b> | <b>\$ 47,216.06</b>      |





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|----------------|--------------------------------|-----------------------------|-----------------------------------|---------------------------|----------------------------------|---------------------|--------------------------|-------------|------------------------------|-----------------------------------|------------------|--------------------------|
| Jul-09         | 38                             | 14                          | 6                                 | 5                         | 1                                | \$ 22,093.10        | 3                        | 2           | \$ 5,623.68                  | \$ 9,490.98                       | \$ 200.00        | \$ 4,431.76              |
| Aug-09         | 53                             | 5                           | 1                                 | 1                         | 0                                | \$ 1,671.07         | 1                        | 1           | \$ 5,106.59                  | \$ 239.28                         | -                | \$ 4,288.99              |
| Sep-09         |                                |                             |                                   |                           |                                  |                     |                          |             |                              |                                   |                  |                          |
| Oct-09         |                                |                             |                                   |                           |                                  |                     |                          |             |                              |                                   |                  |                          |
| Nov-09         |                                |                             |                                   |                           |                                  |                     |                          |             |                              |                                   |                  |                          |
| Dec-09         |                                |                             |                                   |                           |                                  |                     |                          |             |                              |                                   |                  |                          |
| Jan-10         |                                |                             |                                   |                           |                                  |                     |                          |             |                              |                                   |                  |                          |
| Feb-10         |                                |                             |                                   |                           |                                  |                     |                          |             |                              |                                   |                  |                          |
| Mar-10         |                                |                             |                                   |                           |                                  |                     |                          |             |                              |                                   |                  |                          |
| Apr-10         |                                |                             |                                   |                           |                                  |                     |                          |             |                              |                                   |                  |                          |
| May-10         |                                |                             |                                   |                           |                                  |                     |                          |             |                              |                                   |                  |                          |
| Jun-10         |                                |                             |                                   |                           |                                  |                     |                          |             |                              |                                   |                  |                          |
| <b>Total</b>   | <b>91</b>                      | <b>19</b>                   | <b>7</b>                          | <b>6</b>                  | <b>1</b>                         | <b>\$ 23,764.17</b> | <b>4</b>                 | <b>3</b>    | <b>\$ 10,730.27</b>          | <b>\$ 9,730.26</b>                | <b>\$ 200.00</b> | <b>\$ 8,720.75</b>       |

# **Exhibit 4**

## **Evidence of Statewide Recognition**

# REEL PRIDE

5-day film festival opens Wednesday in



Raiders can't stop  
Chargers in  
final minute  
C1



# The Fresno Bee

TUESDAY | SEPTEMBER 15, 2009

FRESNOBEE.COM

LATE FINAL EDITION | 75 CENTS

## State takes on care fraud

Fresno Co. is a leader in tackling a growing problem with in-home services.

By Brad Branan  
The Fresno Bee

In-Home Supportive Services helps thousands of elderly and disabled Fresno County residents by providing cleaning, cooking and other services that keep them out of institutions.

But it also helps another group — crooks.

Officials are increasingly concerned about fraud in the program, although they say it's impossible to measure how

much is lost because of it. In recent years, the county-run state program has paid for providers who were incarcerated, and for recipients who were hospitalized or dead. One woman used the identity of a convicted murderer so she could get paid for providing service to herself.

Detecting fraud has become a priority for IHSS — which, with an annual budget of \$5 billion, is one of the state's fastest-growing social-service programs. The state budget approved in July con-

tains anti-fraud measures that include background checks and fingerprinting for program participants.

The Fresno County District Attorney's Office, which created the state's first IHSS fraud unit in July 2008, hopes to become a model as other counties start to grapple with the growing problem, District Attorney Elizabeth Egan says.

Officials in Sacramento already have

See FRAUD, Page A5

### MORE ONLINE

- See surveillance video from the fraud investigation at [fbinks.com/ihss](http://fbinks.com/ihss)
- Read local crime and court coverage at [fresnobee.com/crime](http://fresnobee.com/crime)

## BofA, SEC now face trial over deal

Judge throws out \$33m settlement in dispute over Merrill bonuses.

By Zachary Kouwe  
New York Times



## FRAUD

Continued from A1

tapped the office's expertise.

Nearly half of the \$56 million marked for fraud prevention statewide this year is expected to go to district attorneys.

But Fresno County has been singled out for spending about \$500,000 of county funds each year, several years ahead of the state push, on such investigative efforts.

The investment is important, Egan said, because each year the county spends \$41 million of its own money on the program.

In just over six years, through August, 260 people have been convicted of charges related to IHSS fraud in Fresno County. Investigations by the unit have detected an estimated \$1.7 million in program funds lost to fraud, officials say.

IHSS recipients must be low-income and elderly or disabled. Recipients pick their service providers, who are paid \$10.25 an hour, plus benefits, to carry out household and personal activities recipients can't. The wage of IHSS providers was a central issue in a high-profile battle this year over which union would represent the workers.

IHSS is susceptible to fraud in part because of a lack of oversight, said Rod Spaulding, a senior district attorney investigator who has advised state officials in their anti-fraud efforts.

In Fresno County, 72 social workers are responsible for more than 12,000 IHSS recipients. So-

cial workers determine if recipients are eligible for the program, and make annual visits to determine if they should remain in IHSS.

Deputy District Attorney Mike Elder said the program is valuable because it keeps people out of more expensive institutional care.

But, he added, the program lacks safeguards.

"It's easy to feign an injury or illness to get on IHSS," Elder said.

Recipients sign provider time-cards, which only list the number of hours and not the times they worked. Recipients don't have to document the duties of their providers.

### Family fraud

The chance for abuse is increased because providers and recipients often are family members, officials say.

That was the case with the Shaboyan family of Fresno, some of whom were convicted by the fraud unit a few years ago. Varuzhan Shaboyan owned and operated an ice-cream vending business, but, along with his wife, Ruzanna, received IHSS assistance, court records show.

Their three children, then young adults, were fraudulently paid almost \$150,000 by IHSS to provide a number of services for Ruzanna and Varuzhan, prosecutors said. The fraud took place from 1997 through 2003.

Video surveillance conducted by the District Attorney's Office showed Varuzhan selling ice cream from his truck and Ruzan-

*"If we're prosecuting police officers and social workers — people who should know better — then there's a problem with the program."*

— Elizabeth Egan,  
Fresno County District Attorney

ty for help with shopping, getting out of bed, getting to medical appointments, and other needs from 2001 to 2007, records show.

Video showed Wells moving with apparent ease as she got in and out of a Mercedes-Benz running errands.

A relative was initially paid as her provider. Later, Wells used the identity of Joyce Longo to obtain a state identification card and enroll as her own IHSS provider, she conceded in court records.

Longo is a convicted murderer who was incarcerated in the same prison where Wells once served. Before receiving IHSS, Wells was convicted of attempted murder in San Luis Obispo County. Wells visited Longo in prison 43 times after her release, and Longo agreed to let Wells use her identity, records show.

The amount of the fraud was \$40,000, prosecutors said. Wells was sentenced to three years in prison.

In a letter she wrote to the court, Wells said she had problems with drug abuse and mental illness, but conceded "I've been deceitful for my own selfish needs."

### Untold abuse

Although Gov. Arnold Schwarzenegger has said that 25% of IHSS spending is fraudulent, other state and county officials say it's impossible to estimate the amount of fraud in the program.

Egan said the cases prosecuted by her office represent just a portion of IHSS fraud. The fraud unit

has a backlog of 1,300 cases.

Still, Egan said she has noticed some troubling trends, including the convictions of a Fresno police detective and two county employees.

"If we're prosecuting police officers and social workers — people who should know better — then there's a problem with the program," she said.

Most of the unit's cases are referred by county social workers responsible for IHSS, Egan said. Other tips are received by the office's IHSS fraud hot line.

The county's IHSS Public Authority, which helps administer the program, has worked closely with the District Attorney's Office to detect and prevent fraud, Egan said. Prosecutors train social workers in fraud detection.

Julie Hornback, a county department head who oversees the public authority, said the county has taken other steps to reduce fraud.

Before the state approved the requirement, the county authority required providers on its registry to get fingerprinted. The registry is available for recipients who want assistance finding providers.

While the cases referred for prosecution represent the most extreme examples of fraud, the county's efforts have likely deterred others from stealing IHSS funds, Hornback said.

► The reporter can be reached at bbranan@fresnobee.com or (559) 441-6679.



**From:** Knight, Amber  
**Sent:** Thursday, September 17, 2009 9:59 AM  
**To:** Dotta, Barbara  
**Subject:** Imperial County DA's office called

Rebecca Singh from the Imperial County DA's office called for you. Her boss wanted her to talk to you after seeing the "awesome" IHSS article in the Fresno Bee. Rebecca is the only person in their IHSS unit and she was hoping to ask for your advice on requesting funding. Please call her back at 760-482-4817.

## De La Rosa, Sonia

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**From:** Spaulding, Rod  
**Sent:** Friday, September 11, 2009 4:27 PM  
**To:** De La Rosa, Sonia  
**Subject:** RE: IHSS program fraud

---

**From:** Denise Caudillo [mailto:DCaudillo@co.merced.ca.us]  
**Sent:** Friday, August 14, 2009 2:01 PM  
**To:** Spaulding, Rod  
**Subject:** IHSS program fraud

Hi Rod,

I just came back from a roundtable in Fairfield, and I would like to know if I can set up a meeting with you next week to go over what your program procedures are for IHSS fraud.

According to ABX4 1, I need to get a plan together to show our HSA how we will handle IHSS fraud so they can hopefully approve it.

I know your county has had great success in this area, so I would like to pick your brain if possible.

Next week I am available Monday and Wednesday before noon, and all day Tuesday and Friday.

Thank you,

Denise Caudillo  
Welfare Fraud Investigator II  
Ext. 4232

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## De La Rosa, Sonia

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**From:** Spaulding, Rod  
**Sent:** Friday, September 11, 2009 4:29 PM  
**To:** De La Rosa, Sonia  
**Subject:** FW: IHSS Investigations

---

**From:** Rogers, Melanie x7981 [mailto:rogersm@co.monterey.ca.us]  
**Sent:** Friday, September 11, 2009 10:31 AM  
**To:** Spaulding, Rod  
**Subject:** IHSS Investigations

Hi Rod,  
I spoke with DAI Robert Hollenbeck at a meeting yesterday and he said you might be able to provide me with more information regarding IHSS investigations. As you probably know, this is a hot topic right now and we (DA's Offices') are all scrambling to figure out what kind of investigative unit we need to have and what we need to do. Your unit was highly praised during our meeting yesterday and I was wondering if you have anything in writing regarding your policy/procedures and if you could send that to me. If not, could you give me a quick run down of how you handle referrals and the processes you use?

Thank you for anything you can provide.

*Melanie R. Rogers*  
Supervising DA Investigator  
Monterey County District Attorney's Office  
1200 Aguajito Road, Room 301  
Monterey, CA 93940  
**(831) 647-7981**



Please consider the environment before printing this e-mail



## C.W.F.I.A. 39<sup>TH</sup> ANNUAL TRAINING



### CONFERENCE

October 20, 21, & 22, 2009

We will have TBA hours of P.O.S.T. certified training

*Early Registration Monday, 10/19/09 from 3:00 pm to 7:00 pm in the Pre-function Area*

### TENTATIVE Class Schedule

Click on **ROOMS** to see classroom configuration

Click on **BIOS** for Instructor Information

additional information on classes

Click on **DESCRIPTION** for

| LOCATION                   | TUESDAY,<br>10/20/2009 | SUBJECT   | INSTRUCTOR                 |
|----------------------------|------------------------|---|----------------------------|
| Atrium 1 Pre-Function Area | 7:00-4:00              | Registration  | J. Yurkovic                |
|                            |                        |   |                            |
| San Luis Obispo Center     | 8:00-9:00              | Opening Ceremonies  |                            |
| San Luis Obispo Center     | 9:00-9:50              | Who We Are  | Guy Christian              |
|                            |                        |   |                            |
| San Luis Obispo Center     | 10:00-11:50            | No Class  |                            |
| San Luis Obispo North      |                        | Drug Felon & Fleeing Felon, Alternate Investigation Ideas | Bob Waugh & Mark Bigelow   |
| San Luis Obispo South      |                        | CLETS & RAP Sheet Interpretations                         | Robin Brown                |
| Los Osos Room              |                        | C-IV: Using the System for Your Investigations            | Melissa Lee & Eileen Emory |
|                            |                        |   |                            |
|                            | 12:00-1:00             | LUNCH   | OWN                        |
|                            |                        |   |                            |

|                        |                                  |   |                            |
|------------------------|----------------------------------|---|----------------------------|
| San Luis Obispo Center | 1:00-2:50                        | No Class  |                            |
| San Luis Obispo North  |                                  | Drug Felon & Fleeing Felon, Alternate Investigation Ideas                   | Bob Waugh & Mark Bigelow   |
| San Luis Obispo South  |                                  | CLETS & RAP Sheet Interpretations   | Robin Brown                |
| Los Osos Room          |                                  | IHSS Fraud (Part 1 of 4 hour class)   | Rod Spaulding              |
|                        |                                  |   |                            |
| San Luis Obispo Center | 3:00-4:50                        | Search Warrant Alternate Entry Methods (Lock Picking) \$50.00 Equipment Fee | Cliff Emery                |
| San Luis Obispo North  |                                  | Drug Felon & Fleeing Felon, Alternate Investigation Ideas                   | Bob Waugh & Mark Bigelow   |
| San Luis Obispo South  |                                  | CLETS & RAP Sheet Interpretations   | Robin Brown                |
| Los Osos Room          |                                  | IHSS Fraud (Part 2 of 4 hour class)   | Rod Spaulding              |
|                        |                                  |   |                            |
| San Luis Obispo Center | 5:00-6:00                        | <b>General Membership Meeting</b>   |                            |
|                        |                                  |   |                            |
|                        | <b>WEDNESDAY,<br/>10/21/2009</b> |   |                            |
| Pre-Function Area      | 7:00-4:00                        | Registration  | J. Yurkovic                |
|                        |                                  |   |                            |
| San Luis Obispo Center | 8:00-9:50                        | Working with I.C.E.   | Mike Prado                 |
| San Luis Obispo North  |                                  | Internet Social Engineering   | Lydell Wall                |
| San Luis Obispo South  |                                  | IHSS Fraud (Part 1 of 4 hour class)   | Rod Spaulding              |
| Los Osos Room          |                                  | No Class  |                            |
|                        |                                  |   |                            |
| San Luis Obispo Center | 10:00-11:50                      | Working with I.C.E.   | Mike Prado                 |
| San Luis Obispo North  |                                  | Internet Social Engineering   | Lydell Wall                |
| San Luis Obispo South  |                                  | IHSS Fraud (Part 2 of 4 hour class)   | Rod Spaulding              |
| Los Osos Room          |                                  | C-IV: Using the System for Your Investigations                              | Melissa Lee & Eileen Emory |



|                          |                                 |  |                              |
|--------------------------|---------------------------------|--|------------------------------|
|                          |                                 |  |                              |
|                          | 12:00-1:00                      | LUNCH  | OWN                          |
|                          |                                 |  |                              |
| San Luis Obispo Center   | 1:00-2:50                       | Working with I.C.E.  | Mike Prado                   |
| San Luis Obispo North    |                                 | Internet Social Engineering  | Lydell Wall                  |
| San Luis Obispo South    |                                 | Doing More with Less-Utilizing Effective Electronic Surveillance Methods and Equipment | Elizabeth Beck & Cliff Emery |
| Los Osos Room            |                                 | No Class   |                              |
|                          |                                 |  |                              |
| San Luis Obispo Center   | 3:00-4:50                       | Working with I.C.E.  | Mike Prado                   |
| San Luis Obispo North    |                                 | Internet Social Engineering  | Lydell Wall                  |
| San Luis Obispo South    |                                 | Doing More with Less-Utilizing Effective Electronic Surveillance Methods and Equipment | Elizabeth Beck & Cliff Emery |
| Los Osos Room            |                                 | No Class   |                              |
|                          |                                 |  |                              |
| San Luis Obispo Ballroom | 6:30-?                          | BANQUET  |                              |
|                          |                                 |  |                              |
|                          | <b>THURSDAY,<br/>10/22/2009</b> |  |                              |
| Pre-Function Area        | 7:00-3:00                       | Registration   | J. Yurkovic                  |
|                          |                                 |  |                              |
| San Luis Obispo Center   | 8:00-9:50                       | Doing More with Less-Utilizing Effective Electronic Surveillance Methods and Equipment | Elizabeth Beck & Cliff Emery |
| San Luis Obispo North    |                                 | DMV Fraudulent Document Detection<br>SWORN ONLY  | Jimmy Gomez                  |
| San Luis Obispo South    |                                 | Defensive Tactics/Verbal Judo/Violence Avoidance/Plain Clothes Safety                  | Brian Dickey                 |
| Los Osos Room            |                                 | Gang Identification  | Michael Reynoso              |
|                          |                                 |  |                              |
| San Luis Obispo          |                                 | Doing More with Less-Utilizing Effective   | Elizabeth Beck               |

|                        |             |   |                            |
|------------------------|-------------|---|----------------------------|
| Center                 | 10:00-11:50 | Electronic Surveillance Methods and Equipment                         | & Cliff Emery              |
| San Luis Obispo North  |             | DMV Fraudulent Document Detection<br>NON-SWORN ONLY                   | Jimmy Gomez                |
| San Luis Obispo South  |             | Defensive Tactics/Verbal Judo/Violence Avoidance/Plain Clothes Safety | Brian Dickey               |
| Los Osos Room          |             | Gang Identification   | Michael Reynoso            |
|                        |             |   |                            |
|                        | 12:00-1:00  | LUNCH   | OWN                        |
|                        |             |   |                            |
| San Luis Obispo Center | 1:00-2:50   | C-IV: Using the System for Your Investigations                        | Melissa Lee & Eileen Emory |
| San Luis Obispo North  |             | DMV Fraudulent Document Detection<br>SWORN ONLY                       | Jimmy Gomez                |
| San Luis Obispo South  |             | Defensive Tactics/Verbal Judo/Violence Avoidance/Plain Clothes Safety | Brian Dickey               |
| Los Osos Room          |             | Gang Identification   | Michael Reynoso            |
|                        |             |   |                            |
| San Luis Obispo Center | 3:00-4:50   | No Class  |                            |
| San Luis Obispo North  |             | DMV Fraudulent Document Detection<br>NON-SWORN ONLY                   | Jimmy Gomez                |
| San Luis Obispo South  |             | Defensive Tactics/Verbal Judo/Violence Avoidance/Plain Clothes Safety | Brian Dickey               |
| Los Osos Room          |             | Gang Identification   | Michael Reynoso            |

Click on **ROOMS** to see classroom configuration

# **Exhibit 5**

## **Policy and Procedure Guide 055-35-003 Overpayment/Underpayment Procedures**

| <b>E&amp;TA Policy and Procedure Guide</b>           |                                  |
|--|----------------------------------|
| Division 35: In-Home Supportive Services             | Chapter 05: Fraud                |
| <b>Item 003: Overpayment/Underpayment Procedures</b> |                                  |
| Suggested changes send to: <u>ETA PSOA</u> Mailbox   | Issued: <b>October 26, 2006</b>  |
| References:  | Replaces Issue: January 20, 2006 |

Staff Development: Training Material

How to in CalWIN

The purpose of this document is to establish procedures for the identification and documentation of In Home Supportive Services (IHSS) overpayments. These procedures will identify the documentation necessary to establish the validity of these overpayments, and describe the process of tracking and storing the overpayment documentation. Guidelines will be established for the transmission of this information to the business office for recovery of the overpayments.

### **Identification of Potential Overpayments**

Office Assistant (OA) staff, utilizing timecards, DOCIS and CMIPS regularly discover overpayments or underpayments have occurred. At the discovery that an overpayment or underpayment (OP/UP) has occurred, OA staff will provide print outs of the time sheet and CMIPS to an Overpayment Specialist (OPS).

The OPS will check the OP/UP folder database to determine if an OP/UP folder has already been created. When there is one in storage, the OPS will request the folder, and update the OP folder database. When there is not an overpayment folder, the OPS will request a new IHSS Overpayment Folder through the "WARC" process. When the new folder is delivered, the OPS will update the OP folder database. The OPS will print two copies of the PELG and PSUM screens. One copy of the computer printouts will be placed in a temporary file folder labeled with the providers name and case number in which the OP occurred. This folder is for distribution to the case carrying Social Worker (SW). The duplicate copies of all the computer printouts will be placed in a separate folder for the Social Work Supervisor (SWS).

The OPS will enter the following basic information into the OP/UP database:

- Providers Name
- Providers social security number
- Recipients social security number
- CMIPS case number and FBU
- Social Workers number
- Date distributed to the SW
- Warrant number
- Pay period ending
- Pay rate
- Hours authorized
- Deductions
- Date to the SWS



The OPS will deliver to the SWS the folder with the copies of all PELG and PSUM printouts for the unit and all of the temporary folders for the SW's in the unit. The SWS will retain the one copy of all printouts for control purposes.

The SWS will distribute the temporary folders to the appropriate SW. When, at a later date the permanent OP/UP folder is received by the OPS, the OPS will update the DB to show the folder is assigned to the appropriate SW. The OPS, using the building mail distribution system, will distribute folders to the appropriate SW.

### **Other Overpayments**

When overpayments are discovered through means other than the timecard process (allegations by a third party, reports from other agencies, etc.) the following process will be followed.

- When the information is received, it will be turned over to the Social Worker/Case Manager (SW/CM). The SW/CM will attempt to verify the information by checking the case file, vital statistics, or collateral call to the recipient/provider.
- If the SW is able to verify the information, an overpayment referral form will be completed. This form, along with corroborating documentation will be placed in the "Incoming Overpayment" basket at the desk of the OPS.
- When the SW is unable to verify the reported information a fraud referral will be completed. A narrative will be completed stating what efforts have been taken to verify the information. The referral, along with along with the narrative, will be delivered to Rhonda Charles for forwarding to the District Attorney's (DA) investigators.
- Over payment referrals placed in the overpayment incoming basket will be cleared by the OPS on a daily basis. The OPS will process these referrals using the procedures described above.

### **Documenting the Overpayment/Underpayment**

When the SW receives a temporary folder with printouts indicating a potential OP/UP they will determine whether there is a valid OP/UP. The IHSS case folder must be pulled. The SW will review the printouts in the OP/UP folder and compare them to the documentation in the IHSS case folder. If the OP/UP is verified, the SW will prepare the following documentation.

- Complete the balance of information in the OP/UP database, including a thorough narrative of the cause of the OP/UP
- Complete appropriate notices of action (1 copy for business office, 1 copy for OP/UP folder, and 2 copies for the person overpaid. The Notice of Action (NOA) will explain the cause of the overpayment and show a computation of how the amount of the overpayment was calculated
- Print out a copy of the OP/UP database entry for the OP/UP folder
- Prepare the fraud referral when necessary (1 copy for file, 1 copy for the DA's office)
- Pull documentation from the working folder necessary to verify OP/UP (application, rights and responsibilities, etc.)
- Place an overpayment flag in the IHSS case folder with a list of documents pulled for the overpayment folder.

The SW will now return the OP/UP folder to the SWS to review the accuracy of the OP/UP, and completeness of the OP/UP folder. The SWS will utilize their previously retained copy of the PELG and PSUM printouts to verify the original information provided to SW. When the SWS is satisfied



with the accuracy and thoroughness of the information in the OP/UP folder, they will go into the OP/UP database and enter the date it was reviewed. Entry of this date will lock the rest of the entries for that case in the database. The SWS will send the OP/UP folder to the OPS.

### **Transmission of Overpayment/Underpayment Information to Appropriate Locations**

The OPS will prepare forms SOC 312 / 330. Those forms and a copy of the NOA and budget will be routed to the business office. The OPS will mail two copies of the NOA, budget, and agreement to repay to the overpaid person. One copy of the fraud referral, the NOA, the budget, and the agreement to repay will be sent to the DA's office. The OPS will update the OP/UP folder database to reflect the folder being sent back to the OP/UP storage area, and route the folder to that area

### **Storage of Overpayment/Underpayment Records**

All OP/UP's by a provider will be stored in a single folder. These folders will be stored in a location designated by administration. Any movement of the OP/UP folders will be logged into the OP/UP folder database.

# **Exhibit 6**

**MC609 Form**

**CONFIDENTIAL MEDI-CAL COMPLAINT REPORT**☐ IEVS

|                           |
|---------------------------|
| <b>FOR DHS STAFF ONLY</b> |
| P.I. number               |
| Case number               |

|                              |                         |
|------------------------------|-------------------------|
| <b>FOR COUNTY STAFF ONLY</b> |                         |
| Case number                  |                         |
| Eligibility Worker name      | Telephone number<br>( ) |

|                                    |      |               |                         |
|------------------------------------|------|---------------|-------------------------|
| Name of person reporting complaint |      |               | Telephone number<br>( ) |
| Address (number, street)           |      | City          | ZIP code                |
| Medi-Cal beneficiary name          |      | Date of birth | Social security number  |
| Address (number, street)           | City | ZIP code      | Telephone number<br>( ) |
| Provider name                      |      |               | Provider number         |
| Address (number, street)           | City | ZIP code      | Telephone number<br>( ) |
| Violation                          |      |               | Type code               |
| Details of complaint               |      |               |                         |

|                    |                         |
|--------------------|-------------------------|
| Complaint taken by | Date                    |
| Address            | Telephone number<br>( ) |

**FOR DHS STAFF USE ONLY****Supporting Documents**

☐ MEDS \_\_\_\_\_ Date: \_\_\_\_\_

☐ CDR \_\_\_\_\_ Date: \_\_\_\_\_

☐ CLETS \_\_\_\_\_ Date: \_\_\_\_\_

☐ Other \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

**Action Taken**

☐ P.I. Closed \_\_\_\_\_ Date: \_\_\_\_\_

☐ P.I. Referred to: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Case opened \_\_\_\_\_ Date: \_\_\_\_\_

Assigned to: \_\_\_\_\_

Supervisor: \_\_\_\_\_

# **Exhibit 7**

## **SOC 824 QA/QI Quarterly Report**

| <b>In-Home Supportive Services</b><br><b>Quarterly Report On Quality Assurance/Quality Improvement (QA/QI)</b><br><b>For Personal Care Services Program (PCSP), IHSS Plus Waiver (IPW)</b><br><b>And IHSS Residual (IHSS-R) Programs</b> |             |                    |               |   |
|--|-------------|--------------------|---------------|---|
| County:  |             |                    |               |   |
| County Code:   |             | Reporting Quarter: |               |   |
| Name/Title of Person<br>Completing Report:   |             |                    |               |   |
| Telephone Number:  |             | Date Completed:    |               |   |
| <b>ROUTINE SCHEDULED REVIEWS OF SUPPORTIVE SERVICES CASES</b>  |             |                    |               |   |
| <b>1. Desk Reviews</b>   | <b>PCSP</b> | <b>IPW</b>         | <b>IHSS-R</b> |   |
| A. Number Of Desk Review Cases With No Further Action Required   |             |                    |               |   |
| B. Number Of Desk Review Cases Requiring Additional Action   |             |                    |               |   |
| C. Number Of Desk Review Cases Conducted (1A plus 1B)  | 0           | 0                  |               | 0 |
| <b>2. Home Visits</b>  | <b>PCSP</b> | <b>IPW</b>         | <b>IHSS-R</b> |   |
| A. Number Of Home Visits With No Further Action Required   |             |                    |               |   |
| B. Number Of Home Visits Requiring Additional Action   |             |                    |               |   |
| C. Number Of Home Visits Conducted (2A plus 2B)  | 0           | 0                  |               | 0 |
| <b>3. Total Number Of Desk Reviews And Home Visits Conducted</b>   | <b>PCSP</b> | <b>IPW</b>         | <b>IHSS-R</b> |   |
| A. Total Number Of Reviews (1C plus 2C)  | 0           | 0                  |               | 0 |
| B. Total Number Of Reviewed Cases With No Further Action Required (1A plus 2A)   | 0           | 0                  |               | 0 |
| C. Total Number Of Reviewed Cases Requiring Case Action That <u>Did Not</u> Result In A Change In Service Authorizations   |             |                    |               |   |
| D. Total Number Of Reviewed Cases Resulting In A Change In Service Authorizations  |             |                    |               |   |
| E. QA Cases Reviewed This Quarter Still Pending Final Determination  |             |                    |               |   |
| F. Total Number Of Reviewed Cases With Individual Emergency Back-Up Plan (SOC 827) On File   |             |                    |               |   |
| <b>4. Resolution Of Cases Pended Last Quarter</b>  | <b>PCSP</b> | <b>IPW</b>         | <b>IHSS-R</b> |   |
| A. Cases Pended Last Quarter (CPLQ) (3E from last quarter)   |             |                    |               |   |
| B. CPLQ Determined To Have Correct Service Authorizations  |             |                    |               |   |
| C. CPLQ Determined To Require Case Action That <u>Did Not</u> Result In A Change In Service Authorizations   |             |                    |               |   |
| D. CPLQ Determined To Require Case Action Resulting In A Change In Service Authorizations  |             |                    |               |   |
| E. CPLQ Not Yet Resolved   |             |                    |               |   |
| <b>5. Fraud Prevention/Detection And Over/Underpayment Activities</b>  | <b>PCSP</b> | <b>IPW</b>         | <b>IHSS-R</b> |   |
| A. Number Of Cases Identified Through QA/QI Activities Requiring Further County Review   |             |                    |               |   |
| B. Number Of Cases Identified Through QA/QI Activities Referred To California Department of Health Care Services For Investigation   |             |                    |               |   |
| C. Number Of Underpayment Actions Initiated As A Result Of QA/QI Activities  |             |                    |               |   |
| D. Number Of Nonfraud-Related Overpayments Initiated As A Result Of QA/QI Activities   |             |                    |               |   |
| E. Number Of Fraud-Related Overpayments Initiated As A Result Of QA/QI Activities  |             |                    |               |   |
| F. Other: (specify)  |             |                    |               |   |



|  |                                  |      |     |        |
|--|----------------------------------|------|-----|--------|
| <b>6. Critical Event/Incident Identified</b>   | <i>(Complete All That Apply)</i> | PCSP | IPW | IHSS-R |
| A. Number Of Neglect Cases   |                                  |      |     |        |
| B. Number of Abuse Cases (Physical, Sexual, Mental, Financial, Exploitation)                       |                                  |      |     |        |
| C. Number Of Provider "No Show" Cases That Pose A Threat To The Health And Safety Of The Recipient |                                  |      |     |        |
| D. Number Of "Harmful To Self" Cases   |                                  |      |     |        |
| E. Number Of Cases With More Than One Critical Event/Incident                                      |                                  |      |     |        |
| F. Other: <i>(specify)</i>   |                                  |      |     |        |
| <b>7. Actions Taken On Critical Events/Incidents Requiring A Response Within 24 Hours</b>          | <i>(Complete All That Apply)</i> | PCSP | IPW | IHSS-R |
| A. Adult Protective Services Referral  |                                  |      |     |        |
| B. Child Protective Services Referral  |                                  |      |     |        |
| C. Law Enforcement Referral  |                                  |      |     |        |
| D. Public Authority Referral   |                                  |      |     |        |
| E. 911 Call Center Referral  |                                  |      |     |        |
| F. Out-Of-Home Placement Referral  |                                  |      |     |        |
| G. Other: <i>(specify)</i>   |                                  |      |     |        |
| <b>8. Targeted Reviews</b>   | <i>(Complete All That Apply)</i> | PCSP | IPW | IHSS-R |
| A. Timely Assessments  |                                  |      |     |        |
| B. Timely Reassessments  |                                  |      |     |        |
| C. Provider Enrollment Statement (SOC 823)   |                                  |      |     |        |
| D. Voluntary Services Certification (SOC 450)  |                                  |      |     |        |
| E. Request For Order And Consent-Paramedical Services (SOC 321)                                    |                                  |      |     |        |
| F. Protective Supervision Medical Certification Form (SOC 821)                                     |                                  |      |     |        |
| G. Hours Exceed Guidelines   |                                  |      |     |        |
| H. Able And Available Spouse   |                                  |      |     |        |
| I. Proration Calculations  |                                  |      |     |        |
| J. Services For Children   |                                  |      |     |        |
| K. Provider 300+ Paid Hours Report   |                                  |      |     |        |
| L. Recipients Advised Of Availability Of Fingerprinting Of Providers                               |                                  |      |     |        |
| M. Other: <i>(specify)</i>   |                                  |      |     |        |
| <b>9. Quality Improvement Efforts (Check All That Apply)</b>                                       |                                  |      |     |        |
| A. Developed QA Tools/Forms And/Or Instructional Materials   | <input type="checkbox"/> 9A      |      |     |        |
| B. Ensured Staff Attended IHSS Training Academy  | <input type="checkbox"/> 9B      |      |     |        |
| C. Offered County Training On Targeted Areas   | <input type="checkbox"/> 9C      |      |     |        |
| D. Established Improvement Committees  | <input type="checkbox"/> 9D      |      |     |        |
| E. Established Tools For QA/QI Fraud Prevention/Detection  | <input type="checkbox"/> 9E      |      |     |        |
| F. Conducted Corrective Action Updates (attach a brief summary)                                    | <input type="checkbox"/> 9F      |      |     |        |
| G. Utilized Customer Satisfaction Surveys  | <input type="checkbox"/> 9G      |      |     |        |
| H. Other: <i>(specify)</i>   | <input type="checkbox"/> 9H      |      |     |        |

# **Exhibit 8**

## **Proposed Budget Detail**

FRESNO COUNTY  
IN-HOME SUPPORTIVE SERVICES  
BUDGET PROPOSAL 2009-10

Enclosure C-Exhibit 8  
Page 1 of 3

|   |           | Plan<br>Cost     |
|---|-----------|------------------|
| <b>A. District Attorney Personal Services - Salaries/Employee Benefits</b>  |           |                  |
| (1) <u>DEPUTY DISTRICT ATTORNEY</u> : Program supervisor.<br>Devotes 100% of time to this Program but claims 25% as supervisor (non-prosecution). | \$168,005 | \$42,001         |
| (3) <u>SENIOR DISTRICT ATTORNEY INVESTIGATORS</u> : Program Investigators<br>Devotes 100% of time to Program.                                     | \$437,700 | \$437,700        |
| (1) <u>INVESTIGATIVE ASSISTANT</u> : Investigator support<br>Devotes 100% of time to Program.   | \$69,559  | \$69,559         |
| (1) <u>PROGRAM TECHNICIAN I</u> : Support Staff<br>Devotes 100% of time to Program.   | \$69,050  | \$69,050         |
| <b>SUB TOTAL DISTRICT ATTORNEY PERSONAL SERVICES</b>  |           | <b>\$618,310</b> |

FRESNO COUNTY  
IN-HOME SUPPORTIVE SERVICES  
BUDGET PROPOSAL 2009-10

Enclosure C-Exhibit 8  
Page 2 of 3

| B. District Attorney Operating Expenses   | COST              |
|---|-------------------|
| <u>COMMUNICATION EXPENSE:</u><br>Staff phones, pagers and communication equipment for program staff, \$480 per month.     | \$ 5,760          |
| <u>LIABILITY INSURANCE:</u>   | \$ 373            |
| <u>WITNESS EXPENSE:</u><br>Costs for witnesses: meals, travel, lodging.   | \$ 1,500          |
| <u>MEMBERSHIPS:</u> Senior Investigator memberships   | \$ 250            |
| <u>OFFICE EXPENSE:</u><br>General office supplies, photocopies, legal forms, equipment supplies and maintenance.          | \$ 2,750          |
| <u>DATA PROCESSING:</u><br>Provide leased computers with network access.  | \$ 15,000         |
| <u>PEOPLESOFT COSTS:</u>  | \$ 1,971          |
| <u>RENTS &amp; LEASES- BUILDINGS:</u><br>Lease costs for office space at the Heritage Center                              | \$ 28,000         |
| <u>TRAVEL &amp; TRAINING:</u><br>Travel for case investigation, meetings, and program-related training for Program staff. | \$ 8,000          |
| <u>INDIRECT:</u><br>Approved DA Indirect cost rate is 10% of Salaries (372,242@10%)                                       | \$ 37,224         |
| <u>GARAGE CHARGES:</u><br>Usage charge for assigned vehicle through Fresno County Fleet Services for the investigators.   | \$ 24,000         |
| <u>PROFESSIONAL EXPENSE:</u><br>Training, expert witness, and preparation of evidence.                                    | \$ 5,000          |
| <u>SMALL TOOLS:</u><br>File cabinets, desks, chairs, bookcases & miscellaneous office items for Program Staff.            | \$ 6,500          |
| <b>SUB TOTAL DISTRICT ATTORNEY OPERATING EXPENSES</b>   | <b>\$ 136,328</b> |



FRESNO COUNTY  
IN-HOME SUPPORTIVE SERVICES  
BUDGET PROPOSAL 2009-10

Enclosure C-Exhibit 8  
Page 3 of 3

| <b>C. District Attorney Equipment</b>   | <b>COST</b>       |
|---|-------------------|
| <u>(3) LAPTOP COMPUTERS</u><br>Laptop computers and associated software for new staff assigned to the field | \$ 6,750          |
| <b>SUB TOTAL DISTRICT ATTORNEY EQUIPMENT</b>  | <b>\$ 6,750</b>   |
| <b>DISTRICT ATTORNEY SUB TOTAL</b>  | <b>\$ 761,388</b> |

| <b>D. Employment &amp; Temporary Assistance Full Time Equivalent (FTE) Costs</b>        | <b>Plan Cost</b>   |
|---|--------------------|
| <u>(3) SOCIAL WORKER III: Support Staff (Fully Loaded Cost = \$144,066/FTE)</u>         | \$432,198          |
| <u>Fully Loaded Full-Time Equivalent (FTE) Cost Components (Costs Shown as 3 FTEs):</u> |                    |
| Direct Social Worker Salary & Benefits  | \$263,641          |
| Support Staff Costs   | \$103,728          |
| Operating Costs   | \$43,220           |
| Electronic Data Processing Costs (EDP)  | \$17,288           |
| Staff Development Costs   | \$4,321            |
| <b>EMPLOYMENT &amp; TEMPORARY ASSISTANCE SUB TOTAL</b>                                  | <b>\$432,198</b>   |
| <b>GRAND TOTAL FRESNO COUNTY ANTI-FRAUD PLAN PROPOSAL</b>                               | <b>\$1,193,586</b> |
| <b>Less: Required local match of 16.2%</b>  | <b>(\$193,440)</b> |
| <b>NET: GRAND TOTAL FRESNO COUNTY ANTI-FRAUD PLAN PROPOSAL</b>                          | <b>\$1,000,146</b> |

# **Exhibit 9**

## **Letter of Intent from DHCS**



State of California—Health and Human Services Agency  
Department of Health Care Services



DAVID MAXWELL-JOLLY  
Director

ARNOLD SCHWARZENEGGER  
Governor

Fresno County District Attorney  
ATTN: Elizabeth A. Egan  
1250 Van Ness Avenue, Second Floor  
Fresno, CA 93721

RE: Letter of Intent

The Department of Health Care Services Fresno Investigations Office will be combining efforts with the Fresno County District Attorney's Office in Identifying, investigating, and prosecuting fraud in the In Home Supportive Services Program in Fresno County.

The Department of Health Care Service's Investigative Branch will be placing one investigator within the already established In Home Supportive Service Investigative Unit at the Fresno District Attorney's Office. This placement is pending.

This assignment can be terminated at the request of the Chief of Investigations, Fresno County District Attorney, or the Chief of Investigations, California Department of Health Care Services.

Michael Estrada  
Chief of Investigations

# FRESNO COUNTY DATA REPORTING SPREADSHEET

| Overpayments identified by County QA  |               | 04/05         | 05/06         | 06/07         | 07/08         | 08/09         | TOTAL           |
|---------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|-----------------|
| Total Amount per Fiscal Year:         |               | \$ 458,820.30 | \$ 176,383.64 | \$ 313,330.06 | \$ 335,177.46 | \$ 767,565.19 | \$ 2,051,276.65 |
| Number of Instances:                  |               | 180           | 582.00        | 180           | 550           | 660           | 2,152           |
|                                       |               |               |               |               |               |               |                 |
| Underpayments identified by County QA |               | 04/05         | 05/06         | 06/07         | 07/08         | 08/09         | TOTAL           |
| Total Amount per Fiscal Year:         |               | \$ 1,586.83   | \$ 15,657.63  | \$ 5,211.18   | \$ 31,350.74  | \$ 1,861.27   | \$ 55,667.65    |
| Number of Instances:                  |               | 7             | 189           | 41            | 139           | 660           | 1,036           |
|                                       |               |               |               |               |               |               |                 |
| Fraud Referrals/Outcomes              |               | 04/05         | 05/06         | 06/07         | 07/08         | 08/09         | TOTAL           |
| Number of referrals to DHCS:          |               | -             | -             | -             | -             | 70            | 70              |
| Number handled locally by DA:         |               | 293           | 267           | 347           | 430           | 397           | 1,734           |
| Court Ordered Restitution:            |               | \$ 367,748.37 | \$ 134,614.22 | \$ 247,021.24 | \$ 261,137.19 | \$ 178,244.42 | \$ 1,188,765.44 |
| Amount of funds recovered:            |               | \$ 72,303.00  | \$ 58,274.17  | \$ 71,876.19  | \$ 93,037.58  | \$ 47,216.06  | \$ 342,707.00   |
| Amount of funds pending recovery:     |               | \$ 296,578.70 | \$ 82,026.57  | \$ 175,294.20 | \$ 175,166.83 | \$ 135,602.66 | \$ 864,668.96   |
| Individuals Responsible               | Recipient:    | 12            | 8             | 9             | 13            | 3             | 45              |
|                                       | Provider:     | 35            | 39            | 43            | 35            | 19            | 171             |
|                                       | County Staff: | 0             | 0             | 1             | 0             | 3             | 4               |
|                                       | Other:        | 2             | 6             | 1             | 2             | 1             | 12              |
|                                       | Unknown:      | -             | -             | -             | -             | -             | -               |



| Utilization of County DA for Fraud |                             | 04/05         | 05/06         | 06/07         | 07/08         | 08/09         | TOTAL           |
|------------------------------------|-----------------------------|---------------|---------------|---------------|---------------|---------------|-----------------|
| Outcomes                           | Documented referrals to DA* | 298           | 270           | 347           | 431           | 471           | 1817            |
|                                    | Accepted:                   | 297           | 270           | 347           | 430           | 467           | 1811            |
|                                    | Rejected:                   | 1             | -             | -             | 1             | 4             | 6               |
|                                    | Pending:                    | 162           | 176           | 260           | 258           | 272           | 1128            |
|                                    | Completed Investigation     | 135           | 94            | 87            | 172           | 195           | 683             |
|                                    | No Fraud:                   | 40            | 27            | 25            | 116           | 149           | 357             |
|                                    | Restitution Action:         | 5             | 6             | 1             | 5             | 12            | 29              |
|                                    | Referred for Prosecution:   | 90            | 61            | 61            | 51            | 34            | 297             |
|                                    | Criminal Charges Filed:     | 78            | 50            | 71            | 48            | 30            | 277             |
|                                    | No Charges Filed:           | 1             | 8             | 4             | 2             | 2             | 17              |
|                                    | Convictions:                | 49            | 53            | 54            | 50            | 26            | 232             |
|                                    | Acquittals:                 | -             | -             | -             | -             | -             | -               |
|                                    | Dismissals:                 | 2             | 7             | 5             | 5             | 5             | 24              |
|                                    | Pending Investigation:      | 162           | 176           | 260           | 258           | 272           | 1128            |
|                                    | Restitution:                | -             | -             | -             | -             | -             | -               |
|                                    | Court Ordered:              | \$ 367,748.37 | \$ 134,614.22 | \$ 247,021.24 | \$ 261,137.19 | \$ 178,244.42 | \$ 1,188,765.44 |
|                                    | Restitution Action:         | \$ 1,131.33   | \$ 5,688.52   | \$ 149.15     | \$ 7,067.22   | \$ 4,574.30   | \$ 18,610.52    |
|                                    | Fines                       | -             | -             | -             | -             | -             | -               |
|                                    | Prosecutions Completed      | 53            | 68            | 63            | 58            | 41            | 283             |
|                                    | Convictions                 | 49            | 53            | 54            | 50            | 26            | 232             |
|                                    | Misdemeanor                 | 27            | 31            | 22            | 20            | 13            | 113             |
|                                    | Felony                      | 22            | 22            | 32            | 30            | 13            | 119             |

# Budget Justification

## Fresno County's Fraud Funding Plan for FY 2009-10

| Budget Section                                  | Total             |
|---|-------------------|
| A. Personnel Costs (includes employee benefits) | \$ 595,242        |
| B. Operating Expenses                           | \$ 54,730         |
| C. Equipment Expenses                           | \$ 24,500         |
| D. Travel/Per Diem and Training                 | \$ 30,500         |
| E. Subcontracts and Consultants                 | \$ 6,000          |
| F. Other Costs                                  | \$                |
| G. Indirect Expenses                            | \$ 29,305         |
| <b>Total Expenses</b>                           | <b>\$ 740,277</b> |

|  |                     |
|--|---------------------|
| <b>A. Personnel Costs (including employee benefits)</b>  | <b>Total Budget</b> |
| Title: (1) DEPUTY DISTRICT ATTORNEY (investigation/research/pre-filing activities)   | \$ 33,556           |
| Salary Calculation: \$167,782  |                     |
| Duties Description: Program prosecutor   |                     |
| Title: (2) SENIOR DISTRICT ATTORNEY INVESTIGATORS  | \$ 291,746          |
| Salary Calculation: \$291,746  |                     |
| Duties Description: Current Investigators  |                     |
| Title: (1) PROGRAM TECHNICIAN I  | \$ 68,962           |
| Salary Calculation: \$68,962   |                     |
| Duties Description: Support Staff  |                     |
| Title: (New) SENIOR DISTRICT ATTORNEY INVESTIGATOR   | \$ 63,234           |
| Salary Calculation: \$63,234   |                     |
| Duties Description: Additional Investigator  |                     |
| Title: (New) INVESTIGATIVE ASSISTANT   | \$ 29,694           |
| Salary Calculation: \$29,694   |                     |
| Duties Description: support the program Investigators  |                     |
| Title: SOCIAL WORKER   | \$ 108,050          |
| Salary Calculation: (75% FTE) @ \$144,066 (Fully loaded)   |                     |
| Duties Description: To support the program staff. Social Worker is fully loaded FTE cost, with costs incurred associated overhead and operating costs. |                     |
| <b>Total Personnel Costs:</b>  | <b>\$ 595,242</b>   |

|  |                     |
|--|---------------------|
| <b>B. Operating Expenses</b>   | <b>Total Budget</b> |
| <b>Title: COMMUNICATION EXPENSE / LIABILITY INSURANCE/ MEMBERSHIPS</b>   | <b>\$ 6,383</b>     |
| <b>Description: Staff phones, pagers and communication equipment for program staff, \$480 per month. Investigator memberships.</b>   |                     |
| <b>Title: OFFICE EXPENSE / DATA PROCESSING / PEOPLESOFT COSTS / RENTS &amp; LEASES-BUILDINGS</b>   | <b>\$ 48,347</b>    |
| <b>Description: General office supplies, photocopies, legal forms, equipment supplies and maintenance. Provide program computers with network access. Lease costs for office space at the Heritage Center.</b> |                     |
| <b>Title:</b>  | <b>\$</b>           |
| <b>Description:</b>  |                     |
| <b>Total Operating Expenses:</b>   | <b>\$ 54,730</b>    |
| <b>C. Equipment Expenses</b>   | <b>Total Budget</b> |
| <b>Title: (2) LAPTOP COMPUTERS and PORTABLE SCANNER</b>  | <b>\$ 6,000</b>     |
| <b>Description: Laptop computers and associated software for new staff assigned to the field and Portable scanner and external hard drive</b>  |                     |
| <b>Title: DIGITAL COPIER</b>   | <b>\$ 6,000</b>     |
| <b>Description: To copy/scan program related docs in the office</b>  |                     |
| <b>Title: SMALL TOOLS and (2) POLE CAMERAS</b>   | <b>\$ 12,500</b>    |
| <b>Description: Investigator equipment and 2 cameras with air card, router and software.</b>   |                     |
| <b>Total Equipment Expenses:</b>   | <b>\$ 24,500</b>    |
| <b>D. Travel/Per Diem and Training</b>   | <b>Total Budget</b> |
| <b>Title: TRAVEL &amp; TRAINING</b>  | <b>\$ 8,000</b>     |
| <b>Description: Travel for case investigation, meetings, and program-related training for Program staff</b>  |                     |
| <b>Title: GARAGE CHARGES</b>   | <b>\$ 22,500</b>    |
| <b>Description: Usage charge for assigned vehicle through Fresno County Fleet Services for staff</b>   |                     |
| <b>Title:</b>  | <b>\$</b>           |
| <b>Description:</b>  |                     |
| <b>Total Travel/Per Diem and Training:</b>   | <b>\$ 30,500</b>    |

**E. Subcontracts and Consultants****Total Budget****Title: PROFESSIONAL EXPENSE****\$ 5,000****Description: Expert witness, and preparation of evidence for fraud cases****Title: WITNESS EXPENSE****\$ 1,000****Description: Costs for witnesses: meals, travel, lodging and testimony.****Title:****\$****Description:****Total Subcontracts and Consultants:****\$ 6,000****F. Other Costs****Total Budget****Title:****\$****Description:****Title:****\$****Description:****Title:****\$****Description:****Title:****\$****Description:****Title:****\$****Description:****Total Other Costs:****\$****G. Indirect Expenses****Total Budget****Title: INDIRECT COSTS****\$ 29,305****Description: 10% of direct salaries****Title:****\$****Description:****Total Other Costs:****\$ 29,305**